

EXHIBIT B

Case No. 14-CV-704-GKF-JFJ

202-2(a-b) 09
1-4-10

**OKLAHOMA DEPARTMENT OF TRANSPORTATION
SPECIAL PROVISION
FOR
OSAGE NATION MINERAL RESERVATION SANDY SOIL MINING PERMIT**

These special provisions amend and where in conflict, supersede applicable sections of the 2009 Standard Specifications for Highway Construction, English and Metric.

202.04 CONSTRUCTION METHODS

A. Excavation and Borrow

(4) Borrow (Add the following:)

(a) Osage Nation Mineral Reservation Sandy Soil Mining Permit

Apply for a Sandy Soil Mining Permit through the Bureau of Indian when constructing projects requiring road fill material be exported from Osage County for construction purposes outside of the Osage Nation Mineral Reservation. Submit the application along with the following:

- an application fee of \$10 (allow forty-five to sixty days for processing)
- submission of a requisite \$500 pre-paid royalty fee
- subsequent remittance of a royalty fee of \$0.75 per cubic yard (cubic meter) of road fill material exported from the Osage Nation Mineral Reservation payable to the Osage Nation

Apply for a Sandy Soil Mining Permit through the Bureau of Indian when constructing projects requiring an off-site borrow pit within the Osage Nation Mineral Reservation for the purposes of transporting road fill material to the project site. Submit the application along with the following:

- a \$10 application fee (allow forty-five to sixty days for processing)
- a requisite \$500 prepaid royalty fee
- a royalty fee of \$0.75 per cubic yard (cubic meter) of road fill material transported from the off-site borrow pit to the project site payable to the Osage Nation

Apply for a Sandy Soil Mining Permit through the Bureau of Indian when constructing projects within Osage County not meeting the conditions stipulated above or only requiring the movement of road fill material within the project limits, designated as public right-of-way. Submit the application along with the following:

- a \$10 application fee (allow forty-five to sixty days for processing)
- a one-time payment of a \$500 royalty fee in recognition of the Sovereignty of the Osage Nation, respecting the Osage Nation Mineral Reservation.

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United States Department of the Interior
Bureau of Indian Affairs
Osage Agency
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202.06 BASIS OF PAYMENT

All costs of the Sandy Soil Mining Permit and associated fees shall be considered incidental to the work specified in the contract. There will be no additional payment for this cost.